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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/720,892

11/24/2003

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5145

7590
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02/09/2007

EXAMINER

NELSON, FREDA ANN

ART UNIT

PAPER NUMBER

3628

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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3 MONTHS

02/09/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/720,892

Applicant(s)

HODGES ET AL.

Examiner

Freda A. Nelson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11/24/03.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☒ Claim(s) 12-13 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This is in response to a letter for a patent filed November 24, 2003 in which claims 1-15 were presented for examination. Claims 1-15 are pending.

Information Disclosure Statement

1. The information disclosure statement (IDS) submitted on 03/08/2004 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner. A Copy of PTO-1449 is attached hereto.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1 and 15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As per claims 1 and 15, because the applicant has not positively recited that users negotiate with other providers, the examiner takes the position that users do not negotiate with other communications networks to fulfill the request for communications service.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 5-9 and 13-15 are rejected under 35 U.S.C. 102(b) as being anticipated by Tiedemann, Jr. et al (US Patent Number 5,862,471).

As per claims 1 and 13-15, Tiedemann, Jr. et al. discloses a method of providing communications services, comprising the steps of:

receiving a request for communications service, the request for communications service originating from a client communications device associated with a user, the request for communications service communicated via a communications network to a service provider (abstract); and

permitting negotiation with other service providers of other communications networks to fulfill the request for communications service (abstract).

As per claim 5, Tiedemann, Jr. et al. discloses a method according to claim 1, further comprising the step of billing the user for the communications service (col. 2, lines 46-49).

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As per claims 6-8, Tiedemann, Jr. et al. discloses a method according to claim 1, further comprising the step of aggregating billing charges between the other service providers of the other communications networks (col. 2, lines 46-49).

As per claim 9, Tiedemann, Jr. et al. discloses a method according to claim 1, further comprising the step of providing the requested communications service (col. 2, lines 28-33).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tiedemann, Jr. et al (US Patent Number 5,862,471), in view of Daniels (US Patent Number 6,058,301).

As per claim 2, Tiedemann, Jr. et al do not disclose a method according to claim 1, further comprising the step of extending trust-based credit to the user based upon at least one of the user's payment history, the user's usage history, and the user's credit history.

However, Daniels discloses that still other subscribers may be frequent roamers with an established credit history and thus can be allowed to roam everywhere in North America, without the need for additional authentication. Less frequent roaming

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subscribers may be allowed to roam in specific service areas across North America (col. 5, lines 2-7).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Tiedemann, Jr. et. al to include the feature of Daniels in order to reduce the credit risk for the providers.

As per claims 3-4, Tiedemann et al. do not disclose a method according to claim 2, wherein the step of extending trust-based credit to the user comprises linearly predicting the user will pay for the requested communications service based upon at least one of the user's payment history, the user's usage history, and the user's credit history.

However, Daniels discloses that still other subscribers may be frequent roamers with an established credit history and thus can be allowed to roam everywhere in North America, without the need for additional authentication. Less frequent roaming subscribers may be allowed to roam in specific service areas across North America (col. 5, lines 2-7).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Tiedemann, Jr. et. al to include the feature of Daniels in order to reduce the credit risk for the providers.

Allowable Subject Matter

Claims 12-13 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 12-13 are would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

Conclusion

4. The examiner has cited prior art of interest, for example:

1) Malackowski et al. (US Patent Number 5,752,186), which disclose an access free wireless telephony fulfillment service system.

2) Pezutti (US PG. Pub. 2004/0249927), which discloses an intelligent network access services (INP-NAS).

3) Hanson (US Patent Number 6,516,194), which disclose a system for controlling and monitoring a wireless roaming call.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Freda A. Nelson whose telephone number is (571) 272-7076. The examiner can normally be reached on Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Hayes can be reached on 571-272-6708. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

FAN 2/5/07



ALEXANDER KALINOWSKI
SUPERVISORY PATENT EXAMINER